

March 5, 2007

Bill #1252

Good afternoon Senator Handley, Representative Sayers and distinguished members of the Health Committee. My name is Janet Levy and I live in Woodbridge, Connecticut. I am here to ask for your support for Senate bill #1252.

Five years ago, I went to a chiropractor. After what he told me was a simple and safe adjustment, he tore the left artery in my neck. I ended up having a stroke and emergency brain surgery to remove a blood clot in my brain. After 6 weeks in hospitals, I went home to try to get some semblance of my life back. I was told that I probably would never be able to walk normally again and certainly not without the use of a quad cane. Back at home, my husband hired occupational, physical and aqua therapists, beyond the 3 months that my insurance helped pay for. He bought lots of expensive exercise equipment plus hired someone to help me dress and bathe. After almost two years of spending nearly 7 hours every day in therapy, I got my life back to where you see today. I am not perfect, but thankfully I have recovered quite well.

During this time and certainly for months afterwards, I found out that what had happened to me was not an isolated incident. There appeared to be tons of information, articles and studies on the internet directly relating the incidence of stroke to chiropractic spinal and cervical manipulation. Unbeknownst to me, risks of chiropractic manipulation have been discussed for many years in almost every medical journal, not only here in the United States, but also in Canada, Ireland, Australia, the U.K., Denmark, Netherlands, Germany, Malaysia, Taiwan and Spain.

I also found out that there were a number of support, and informative groups around the country that consisted of hundreds of victims who were suffering from the effects of a chiropractic manipulation or who had died from one. I never, ever knew that a chiropractic manipulation could cause a stroke or even have risks at all. The only things I had ever read about them was that they were a safe, inexpensive and natural alternative to medical science, which they advertise as such. Being that chiropractic adjustments could have serious risks like stroke, heart attack, permanent disability, even death, no matter how rare chiropractors feel it is, it must be the patient's right to be informed of all risks so that they could decide for themselves whether a certain procedure is worth the risk or not.

In SB # 1252 we are asking for complete informed consent which is more than simply getting a patient to sign a written consent form. It is a process of communication between a patient and physician that results in the patient's authorization or agreement to undergo a specific procedure. All risks and benefits of a proposed treatment are fully explained to the patient. Patients often feel powerless and vulnerable. With a candid discussion, a patient feels like they are participating in their health care decision, rather than merely signing a form. Medical doctors all give complete informed consent. It is part of their medical ethics. Their medical schools, hospital training, as well as organizations such as the AMA, have told them that they must give informed consent with any and all medical procedures. Chiropractors, however, do not go to medical schools, have hospital training nor do they even agree on one major chiropractic organization to give them universal guidelines. Yet chiropractors are allowed by law to refer to themselves as physicians, so the public automatically assumes that they practice the same standards as medical physicians. And unfortunately, like myself five years ago, many, many people in CT are not aware that chiropractors are not medical physicians. It is highly prejudicial that chiropractors do not have to adhere to the same regulations as real physicians, yet they are able to, by Ct. law, refer to themselves as physicians.

Chiropractors also claim that because their malpractice rates are low that this should determine a profession's claim history. This is not a valid argument. Medical doctors take care of many critically ill patients and are involved in very aggressive, very risky, but potentially life saving procedures. They know that a certain percentage of patients are not going to do well. (morbidity and mortality). Not necessarily because they did something wrong, it is just the nature of their business. A bad outcome does not always mean poor health care, just less than optimum outcome. But obviously, some patients and their families are going to sue doctors, if they feel that the doctor made a mistake in their health care. A lot can go wrong. Even though greater than 90% of medical malpractice cases are either thrown out or won by the defendant, they still cost huge amounts of money to defend, hence the high liability costs.

Chiropractors, on the other hand, are involved in the care of an essentially healthy patient population and for the most part does not involve invasive procedures or anything even close to life saving. Some even practice within shopping malls. There is simply no reason that any chiropractic patient should ever die or suffer significant neurological injury. A much better comparison would be to physical therapists because they are involved in a similar patient population and their liability premiums are equal to that of chiropractors.

Lastly, I would just like to add that chiropractors advertise that chiropractic is a safe, natural alternative. It is an irresponsible statement to make, considering that there is life threatening risks with cervical/spinal adjustments, no matter how rare they think they are. What is the harm about letting the public know that there may be serious risks associated with chiropractic manipulation? Chiropractors know about them....why shouldn't the public know about them. I know that the hundreds of young victims, who have contacted the Chiropractic Stroke Victim's Awareness Group over the years, would appreciate an answer to this question. Thank you for listening.

I sincerely hope you will support SB # 1252.

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CALL TO YOU BY THE DOCTORS OF THE INTERNATIONAL CHIROPRACTORS ASSOCIATION

This is a typical advertisement done by the
International Chiropractors Association

Hearing to be held Monday on chiropractic risks

Associated Press

HARTFORD — When Brittmarie Harwe woke up with a sore neck and shoulder in 1993, she sought help from a chiropractor recommended by a friend.

But at her second visit, something went terribly wrong.

"When he did the first (adjustment), I felt it, like a rushing noise in my head, dizzy," recalled Harwe. "He looked me in the eye and realized I was in distress. ... I was having a stroke, right then and there."

Harwe, 26 at the time, was rushed to the hospital, where she learned that her left vertebral artery had been crushed.

In the days and years that followed, Harwe suffered from paralysis, vision loss, weakness and coordination problems, a paralyzed vocal cord and an inability to swallow. Today, she still uses a feeding tube.

Harwe plans to tell state lawmakers Monday that she had no idea stroke was one of the risks of cervical manipulation by a chiropractor.

The legislature's Public Health Committee is considering legislation that would require chiropractors to inform patients, both in writing and verbally, of the risks and possible side effects of their treatments.

State chiropractors say the legislation is unnecessary and unfairly punitive. They argue that a state law requiring a

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patient to give informed consent before a procedure is excessive given the statistically remote risk of injury and death.

And they say that the malpractice insurance premiums paid by chiropractors — markedly smaller than those paid by physicians and other medical personnel — prove the risks are small.

"I think it's appropriate for the public health community to be concerned about issues of public safety, but I think at best this proposal is a misplaced attempt at patient advocacy and is perhaps prejudicial against the chiropractic profession," said Dr. Matthew N. Pagano, D.C., president of the Connecticut Chiropractic Association.

Sen. Mary Ann Handley, D-Manchester, co-chairwoman of the Public Health Committee, said she's going into Monday's hearing with an open mind.

"My intention is to sit there and listen to what people have to say," she said. Lawmakers are being asked to take a close look at chiropractors this session.

The insurance committee is debating another bill — opposed by a state chi-

ropractor, the person make their own decision," she said.

Pagano said he believes both bills unfairly single out chiropractors. He said no other medical professionals in Connecticut must obtain informed consent from patients.

"If the state hasn't deemed it necessary to have informed consent mandated by all professions, why are they contemplating singling out one profession?" said Pagano, who has a chiropractic practice in Winsted and provides patients with a consent form outlining potential risks.

Pagano said the bills are especially troubling because the risks from adjustments are so low. The American Chiropractic Association says the risk of death or major neurological complications from cervical manipulation are one in 4 million — the same as flying 425 miles on a commercial airline.

He pointed out that the annual malpractice insurance premium paid by a chiropractor in Connecticut is about \$2,000 a year, compared with about \$120,000 a year for obstetricians and anesthesiologists.

"I think malpractice rates are determined by a profession's claim history," Pagano said. "If a profession has a drastically lower number of claims, that's going to be reflected in the malpractice premiums."

According to the Connecticut Board

of Chiropractic Examiners, which disciplines chiropractors, the state public health department received 57 complaints about chiropractors between Jan. 1, 2002, and Dec. 31, 2006. That's 1 percent of the 4,941 complaints the department received for all licensed medical professionals. Of the 57 complaints, the board issued 15 disciplinary orders.

Janet Levy of Woodbridge, Fasano's constituent, formed the group Victims of Chiropractic Abuse last June. Five years ago, she woke up with a stiff shoulder ache and went to a chiropractor recommended by a friend.

She immediately got a headache, but the chiropractor said it was only a reaction to the treatment. Days later, she went to the hospital and learned she had a mini-stroke caused by a torn artery and needed emergency brain surgery.

At the time, she was 48 and ran five miles a day. After the surgery, she was told she wouldn't walk again. But Levy persevered and went through two years of physical and occupational therapy, seven hours a day. Today she can walk, but still has balance problems and other neurological defects.

Levy said she could have saved herself from those two years of suffering if she had known about the risks she faced.

"You think it's safe. You think it's natural," she said. "Those two words just throw you off. What do you have to lose?"